

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

PHOEBUS P. APOLLO, a.k.a.
ARCHBISHOP KINGPUP
SHORTYMACNIFISENT,

Case No. 20-CV-1563 (NEB/LIB)

Plaintiff,

ORDER ACCEPTING REPORT AND
RECOMMENDATION

v.

,¹

Defendant.

The Court has received the October 1, 2020 Report and Recommendation of United States Magistrate Judge Leo I Brisbois. (ECF No. 3.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report & Recommendation (ECF No. 3) is ACCEPTED;

¹ The Complaint (ECF No. 1) does not name a specific Defendant, and it is not clear who Plaintiff seeks to sue. The Clerk of Court, upon filing, listed the “MN DOC” as the Defendant here because the Complaint discusses the “MN DOC.” (*Id.*) Plaintiff failed to list a Defendant on the form Complaint filed, and his application to proceed *in forma pauperis* identifies the “State of Minnesota et alia” as Defendant in this action. (*Id.*; ECF No. 2.) Therefore, although the Court’s docket identifies the “MN DOC” as a Defendant, the Complaint does not actually acknowledge a Defendant.

2. The application to proceed *in forma pauperis* of Plaintiff Phoebus P. Apollo (ECF No. 2) is DENIED; and
3. Plaintiff's Complaint (ECF No. 1) is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 10, 2020

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge